Remarks/Arguments

Claims 1-12 remain pending in this application. Claims 1, 2 and 7-12 were previously presented. Claims 3-6 remain unchanged.

Applicant respectfully requests reconsideration of the rejection of the claims in view of the remarks set forth below.

35 U.S.C. §103

Claims 1-2 and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn et al. (U.S. Patent No. 5,721,829; hereinafter referred to as "Dunn"), in view of Fingerman et al. (U.S. Patent No. 7,143,430; hereinafter referred to as "Fingerman"), further in view of Yap et al. (U.S. Publication No. 2002/0092021; hereinafter referred to as "Yap").

Claims 3-4 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn, Fingerman, Yap, and further in view of Gardner et al. (U.S. Patent No. 5,583,995; hereinafter referred to as "Gardner").

Claims 5-6 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn, Fingerman, Yap, and further in view of Gelman et al. (U.S. Patent No. 5,371,532; hereinafter referred to as "Gelman").

It is respectfully asserted that none of Dunn, Fingerman, Yap, Gardner, or Gelman, alone or in combination, disclose or suggest the step of:

"resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit,"

as described in claim 1.

Dunn teaches a system wherein "the interactive entertainment network system has a headend connected to multiple user interface units in individual homes via a distribution network. The user interface units are operable in a video-on-demand (VOD) mode to order and receive video content programs from the headend. The VOD mode is activated when the viewer tunes to a designated VOD channel. In the event that a viewer orders a video content program, the headend transmits the ordered video content program to the particular user interface unit. The viewer can watch the program at their leisure. In the event that the viewer changes from the VOD channel to a non-VOD channel prior to completion of the ordered program, the headend automatically pauses transmission of the ordered video content program. When the viewer once again tunes to the VOD channel, the headend automatically resumes transmission of the ordered video content program to the user interface unit. In this manner, the viewer is afforded flexibility to watch the ordered program at their own schedule, and is not penalized by missing part of the rented program simply for changing channels." (Dunn Abstract)

As admitted in the Office Action, Dunn does not disclose "allocating predetermined storage limits in a storage device for a plurality of clients on the network; determining if the client's stored broadcast programming has reached the client's predetermined storage limit; and displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit." (Office Action, page 3) Thus, Dunn also fails to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1. Additionally, Dunn fails to disclose the step of pausing responsive to a determination that a storage limit has not been reached.

In Fingerman, "a method and apparatus for receiving requests for the remote storage of time schedule media programs from a client over the Internet and the delivery of such media programs in a specified streaming video format to the client is disclosed. The client requests the recording of a media program by a delivery device which delivery device identifies, in an e-mail message to the client, the storage location of the requested program in the delivery system. The client then accesses the delivery system via the Internet using the storage location identity and the delivery system delivers the stored program. The

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method and apparatus receives media program signals from distributed geographic locations to provide the client access to media programs not available at the client's location. Tools are also provided to simplify media program selection and storage." (Fingerman Abstract)

The Office Action asserts that Fingerman discloses "allocating predetermined storage limits in a storage device for a plurality of clients on the network (col. 4, lines 14-24); determining if the client's stored broadcast programming has reached the client's predetermined storage limit." (Office Action, page 3) However, Fingerman does not disclose, nor does the Office Action assert that it discloses, resuming a paused program based upon a determination of a storage limit being reached. Thus, Fingerman, like Dunn, fails to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1.

Yap teaches a method and device "for performing enhanced recording, editing and management features for content in a communication system. The device may be a set top box (STB) for example, and preferably a STB equipped with digital video recording (DVR) capabilities. The method offers users an ability to select, record and manipulate desired program content using mutually exclusive menus, or directly from an electronic program guide (EPG). This is done by displaying various parameter menus of selectable parameters for recording operations, so as to select one or more parameters via a suitable user interface in order to effect a desired recording feature or function." (Yap Abstract)

The Office Action asserts that Yap teaches "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit (paragraph 0157 discloses that once the storage limit of the buffer is reached, then the stored broadcast program resumes display by prompting the user to select the program to be permanently stored)." (Office Action, pages 3-4) Applicant respectfully disagrees.

In the cited paragraph, Yap states "a "smart convert" feature enables multiple cached live programs to be converted to permanent recordings on a suitable mass storage device, such as a HDD, or on other storage media. For example, at a point where the HDD 320 is full and the extended pause feature has been enabled, there may be multiple programs

cached using the extended pause feature. Accordingly, via a user-interface such as remote control 400, the user can select individual programs to be converted to permanent recording in HDD or other storage media. (Yap [0157])

It is respectfully asserted that Yap does not disclose, here or elsewhere, resuming display upon a determination that a storage limit for the client has been reached. Instead, Yap discloses presenting a user interface for permanently archiving cached programs. (Yap [00157-0160], Fig 12(a)) It is also respectfully asserted that reaching a full hard drive state for a drive in the STB itself does not represent reaching a predetermined storage limit in a shared storage device for one of a plurality of clients on the network, as described in the present claims. Thus, Yap, like Dunn and Fingerman, fails to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1.

In Gardner, "an apparatus and method is provided for allocating a data file across a plurality of media servers in a network, wherein each media server has associated therewith one or more levels of I/O devices organized in a hierarchical manner. An attempt is made to allocate the storage of data across the I/O devices in such a way that the bandwidth imposed on the devices when the data file is sequentially accessed will be balanced, and optimum use of I/O bandwidths at all points in the system is achieved. This balancing can be done by incorporating knowledge regarding various bottlenecks in the system into the decisionmaking process required for distributing the data blocks. The method and apparatus further allows bandwidths to be allocated to various clients in the system at the time a data file is opened. Various checks are provided at the time a data file is accessed to ensure that the data rates actually imposed by the requesting client do not exceed that requested by the client at the time the data file was opened. The invention allows for much more efficient use of the I/O resources in a system and ensures that a given configuration will be able to support client requests." (Gardner Abstract)

Gardner does not disclose, nor does the Office Action assert that it discloses, resuming a program based upon a determination of a storage limit being reached. Thus,

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Gardner, like Dunn, Fingerman, and Yap, fails to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1.

In Gelman, "a store-and-forward architecture which stores and distributes information programs to subscribers on demand includes: information warehouses which archive information programs from multiple service vendors and dispense information programs in segments to central offices in high speed bursts; central offices which manages subscriber's request for service and buffers segments of information programs for delivery to subscribers in real-time under the subscriber's interactive control; and customer premises equipment where a subscriber's requests and control signals for interactive play-out of information program are generated and information programs are received for the subscriber's use." (Gelman Abstract)

Gelman does not disclose, nor does the Office Action assert that it discloses, resuming a program based upon a determination of a storage limit being reached. Thus, Gelman, like Dunn, Fingerman, Yap, and Gardner, fails to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1.
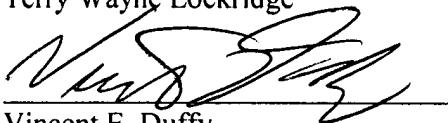
In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Dunn, Fingerman, Yap, Gardner, or Gelman, alone or in combination, which makes the present invention as claimed in claim 1 unpatentable under 35 USC 103. It is further submitted that independent claim 7 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-6 and 8-12 are dependent from allowable independent claims 1 and 7, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance.

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Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (818) 480-5319, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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February 14, 2011

CERTIFICATE OF MAILING under 37 C.F.R. §1.8

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: February 14, 2011